

# INFORMATION REPORT INFORMATION REPORT

## CENTRAL INTELLIGENCE AGENCY

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REPORT

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2. Military Tribunal of the Polish Air Force

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report containing information on (a) the Polish military juridicial system and (B) the military tribunal of the Polish Air Force.

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1. The chief military prosecution and the supreme military court, which were established at Lublin in 1944, were transferred to Warsaw in 1945. Prior to 1945, Polish military justice was subject to a Code which was drawn up in 1943/1944 by a special committee established by the Polish military command in the USSR. This code (Kodeks Karny Polskich Sil Zbrojnych Na Terenie Z. S. R. R. ) was based on Soviet military law.
2. At the end of World War II, seven military districts (later reduced to four) were established on Polish territory, with

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headquarters at Wroclaw, Krakow, Bydgoszcz, and Warsaw.

A military tribunal and prosecution (Prokuratura) were set up at each district headquarters. A naval tribunal and prosecution, which enjoyed a similar status to those in the military districts, was also established at Gdynia. Military prosecutors' offices were also organized at the large town garrisons (Prokuratura Garnizonowe) during this period.

3. While the organizational work was under way, the military legal code was also under review. The Polish caretaker government appointed a committee which was delegated the tasks of drawing up a new military code and of establishing military court procedure. The committee compiled the Polish military legal code (Kodeks Karny Wojska Polskiego) and the code of military court procedure (Kodeks Wojskowego Postepowania Karnego). Both were similar to the codes in the USSR, but they included paragraphs taken from the pre-war Polish army code and were still in force in 1959. The army is also subject to all the special laws which were issued in post-war Poland, including the state, military and official secrets act (Dekret O Ochronie Tajemnicy Panstwowej, Wojskowej, i Sluzbowej) in 1951, safety of public property act (Dekret O Ochronie Mienia Spolecznego) in 1953, the law for combatting hooliganism (Dekret O Zwalczanie Chuliganstwa), and

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the law against dangerous crimes during the construction of the state (Dekret O Przestępstwach Szczególnie Niebezpiecznych <sup>u</sup> W Okresie Odbudowy Państwa).

4. The interpretations of the above laws up to mid-1955 were different than those given after that period. Prior to 1955, the laws were very severely interpreted, and the case of a soldier fleeing abroad would be judged without any consideration of his motives, according to paragraph 90 of the military code which carries the death penalty. From mid-1955 motives were taken into consideration, and paragraph 90 could be invoked only in cases where a soldier had absconded in order to work against the state. Where the accused had fled in order to join his family or to avoid military service, he was judged according to paragraphs carrying lighter sentences.
5. Army political indictments, which were widespread until 1955, practically ceased as from that date, and the prosecution of cases of "propaganda hostile to the regime", with which the military tribunals were mainly occupied, was stopped. The legality of many of verdicts which had been given since 1949 was automatically reviewed in the light of the evidence according to which the sentences had been passed. Sentences which had been

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passed before 1949 were reviewed only at the request of the prisoner's family. A review of the sentences, showed that many of the accused had been illegally indicted, and decisions were given exonerating them of guilt. The military authorities were ordered to return the property which they had confiscated to the accused or to his family; however, it appeared that all the valuable articles were missing. In many cases such articles had been registered at less than their real value ( a gold watch was described as being made of "yellow metal"). It was public rumor that property worth millions of zloty had been stolen by the Soviet officers who headed the G. Z. I. , and as a matter of fact, Soviet officers who left Poland after October 1956 took a great amount of property with them. <sup>1</sup>

6. The accused were defended before the military tribunals either by "a soldier with a faultless record", as prescribed by the code of military court procedure, or by a lawyer who had been "approved" by the head of the military juridical directorate. The "approval" clause afforded the latter an opportunity to influence the lawyer's standing in court, since any one who did not succumb to pressure or influence was struck off the register of lawyers authorized to appear before the military tribunals. Because they ~~did not~~ want to lose the high fees

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paid for military cases, the lawyers would refrain from asking any questions which might cause the authorities embarrassment.

7. Defense lawyers were sometimes accused of inciting and instructing their clients to make false statements; in a case which was tried by a military tribunal in Silesia, the presiding judge ( a Soviet officer) ordered the arrest of the two defense lawyers for inciting the accused to plead not guilty. According to paragraph 53 of the military code, the court can dismiss a defense lawyer on the grounds of state security, at the request of the prosecution. Such cases occurred when the military security authorities did not want the lawyer to be present during the trial.
8. In 1950/1951 the legal department of the Defense Ministry was abolished. Prior to this time, the military juridical system and the prosecution had been subordinate to this department. Soviet advisers who arrived in Poland in 1950 declared that an organizational framework under which both the juridical and prosecuting bodies were subordinate to the same department violated Leninist principles. The department was therefore disbanded, and the general military prosecution and the directorate of the military juridical system were formed. The directorate

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was headed by Colonel Karliner, who made it the supreme administrative body of the Polish military juridical system. Since 1951, the general military prosecution, the directorate of the military juridical system, and the Supreme Military Court have administered Polish military justice.

9. Up to mid-1959, the Supreme Military Court and the directorate of the juridical system disagreed as to which was authorized to dismiss judges. Actually, this authority was in the hands of the directorate, which rejected the claims of the Supreme Court on the grounds that, should the latter hold this authority, the lower juridical bodies would be completely dependent upon it.
10. The directorate, which was an independent body from the financial and administrative points of view, also supervised the judgements handed down in the military courts. It was also responsible for matters concerning juridical personnel, in which matter it was subordinate to the chief political directorate of the army (Główny Zarząd polityczny Wojska Polskiego). Appointments up to the rank of Colonel were subject to the authorization of the political directorate, but appointments above this rank had to be endorsed by the Party Central Committee.

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11. During the Stalin period, supervision by the directorate of verdicts was a threat to the judges themselves and a political weapon aimed at testing the "revolutionary vigilance" of the judge. In this matter there was complete cooperation between the directorate, the Ministry of Public Security, and the military security authorities. In supervising the verdicts, members of the directorate staff would appeal directly to one of the above institutions to obtain an opinion on how a case had been tried and on the sentence handed down.
12. When senior officers were to be tried for political offenses, the directorate ordered the president of the appropriate court to insure that his judges would adhere to the line laid down by the Ministry of Public Security. In order to insure that the judges would agree to this state of affairs and follow the line implicitly, extensive propaganda was spread, especially among the young judges who were graduates of the post-war legal schools. Indoctrination was based on standard arguments, e.g. that the Ministry of Public Security was the only body capable of protecting socialist achievements against sabotage and deviation and, therefore, the judges had to support it. Judges were warned not to accept the statements of the defense lawyers and



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jurists who were themselves "bourgeois elements who hated and wished to destroy the new regime". In case of doubt, they must therefore rely on the military security people and accept only their evidence as being true. Those judges, both young and old, who were willing to accept this line and virtually become the tools of the Ministry of Public Security, held their positions, but those who would not agree to surrender to pressure from the Ministry, were forced to resign.

13. Just as the judges became tools of the Ministry of Public Security, so did the military prosecutors, in particular Zarakowski (fnu), who was general military prosecutor for five or six years. When he was appointed deputy general military prosecutor in 1950, a group of army officers went to the head of the legal department of the Ministry of Defense and told him that they had known Zarakowski personally prior to World War II, that he had been a member of the "Batoria" (a fascist student organization at Vilna where he had worked in the State Controller's office), and that he had participated in all the anti-semitic and fascist activities of the organization. The department head asked the officers to present their complaints in writing, and the material was immediately sent to the head

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of the legal department of the G. Z. I. . When, after a certain period of time, G. Z. I. director Soviet Colonel Wozniesiensi was asked about the Zarakowski material, he replied that the affair had been investigated and that everything was in order. This attitude towards a person against whom such serious charges had been made, was an example of how the U. B. and Field Security had used his past to make him an instrument for executing their orders. Zarakowski, who could have exposed the efforts of the G. Z. I. and field Security to obtain false verdicts during the course of his investigations, never deviated from the line laid down by the Security agencies.

14. In 1959, the Party Central Committee discussed a suggestion for reforming the Polish military legal code. According to this suggestion, the supreme military court would cease to be a separate body and become the military department (Izba Karna Wojskowa) of the supreme civil court, and the lower military juridical body would be the garrison tribunals which would act as courts of appeal to the district tribunals (Sad Rejonowy). A plan for reviving the air force tribunal was also included in this proposal.
15. The revolutionary spirit which prevailed among senior officers of the Polish forces during the post-war years does not exist

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today; instead of the faith which they held in the future of the Communist regime, there is despair, which only fear of the USSR prevents from becoming active rebellion as in Hungary. The hate against those whom they are being trained to fight does not exist at any level in the army, [REDACTED]

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[REDACTED]  
[REDACTED] This opinion has been influenced both by their experience of the Soviet regime and by the material help and visits of relatives [REDACTED]

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Military Tribunal of the Polish Air Force

16. The military tribunal of the Polish air force was established in 1952 to try offenders from the air force and its subordinate labor units (who were engaged in constructing airfields and other installations). The tribunal was officially designated "The Air Force and Anti-aircraft Defense Court" (Sad Wojsk Lotniczych I Obrony Przeciwlotniczej). The presiding judge was a Colonel whose two deputies were Lt. Colonels. The full tribunal comprised a total of six judges. The air force prosecutor's offices at Krakow, Bydgoszcz and Deblin are subordinate to the military prosecution (Prokuratura Wojskowa) which is attached to the air force command.

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17. Most of the cases heard by the airforce tribunal concern either disciplinary offenses or misconduct as a result of drunkenness or brawls. However, during 1952-1954, the tribunal also tried officers who were accused of preparing to flee abroad with military aircraft. These cases were "staged" by the Polish air force Field Security, which was headed during this period by Colonel Lewandowski, a Soviet air force officer serving with the Polish forces, whose chief assistant was Major Lindauer.

a. In 1953, a group of 15 officers from the flying school at Radom (Oficerska Szkola Lotnicza - 5) were tried for organizing an escape to a foreign country. However, it later became apparent that the accusations were false and that the officers had been forced to make confessions before the trial.

b. A number of [ ] airmen were also tried. They had lived for many years under German rule, despised the Soviets and the new Polish regime, and lived with the hope that the Germans would return [ ] They discussed this among themselves and were therefore accused of spreading hostile propaganda. They were sentenced to various terms of imprisonment.

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18. Prior to 1954, the order to arrest officers up to the rank of Major had to be approved by the commander of the air force,

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and the arrest of officers above that rank had to be authorized by the Minister of National Defense. However, in 1954 a new order was issued by the chief military prosecutor under which no indictment could be presented to the tribunal without prior authorization from the chief military prosecution.

19. In 1956, prior to the October disturbances, a special committee was appointed to review the sentences which had been passed on air force officers and men in previous years. The committee was headed by Colonel Uzieba, and its work led to many of the sentences being revoked and the prisoners being freed. The committee went even further in its report and recommended that those responsible for putting innocent persons into prison by false accusations and by using illegal interrogation methods should themselves be tried. Since this demand was likely to harm security and intelligence personnel, it was discussed in the State Council. It was not ratified, and only a very small number of those responsible were actually brought to trial.
20. In 1952/1953 the military tribunal of the Polish air force worked under constant pressure from the air force Field Security. In certain cases the investigating officers would come to court and demand that the president pass severe sentences on the accused.

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They would often determine the actual length of the sentence, e.g. 10 years imprisonment or more. The Field Security would also attempt to put pressure on the tribunal through the head of the military tribunals directorate, who could influence the judges to pass more severe sentences, as the directorate controlled the entire military juridical system. The head of the Polish air force, Lewandowski (fnu), was especially extreme in applying this pressure and was responsible for the death sentences which were passed on a group of officers in 1952.

21. Despite the fact that many air accidents occurred, few specific air force cases of this kind came before the tribunal. Accidents were investigated by a committee of the air force prosecution which was assisted by experts. In 1953, an attempt was made to try air force officer Berak (fnu) and a Sergeant Spiewak (fnu), who were responsible for technical arrangements at the Wrzeszcz airfield near Gdansk. They were accused of neglecting the technical supervision of the repairs and maintenance of aircraft which were later involved in accidents; however, because of the lack of evidence, they were pronounced not guilty. It was rumored among the air force officers that the authorities were not interested in raising the problem of air accidents in court, because the accidents were a result of basic constructional faults in the aircraft.

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22. The air force tribunal was disbanded in 1958 and air force personnel are now tried in the military district (Sady Rejonowe) and garrison tribunals.

Personalities

23. The following personalities were known:

- a. Colonel Bednarz (fnu), second deputy head of the political directorate at the General Staff, was responsible for political and security officers.
- b. Major Frydman (fnu) was director of the special department at the central directorate of military intelligence up to October 1956,

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- c. Colonel Guzy (fnu) became deputy head of the military juridical directorate in 1956.

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- d. Lt. -Colonel Huber (fnu) was deputy to Jozef Ros<sup>2 3</sup>anski at the Ministry of Public Security.

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e. **Krasuski (fnu) was a judge of the Supreme Military Court.**

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f. **Major Kruszkza (fnu) was a judge of the Supreme Military Court.**

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g. **Colonel Krzemien (fnu) was deputy director of military intelligence up to 1949,**

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h. **Major Lindauer (fnu) was an officer in the Polish Air Force up to 1956,**



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- i. Lt. -Colonel Lipski (fnu) was a judge of the Supreme Military Court.

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- j. Colonel Lustacz (fnu) was appointed head of the directorate of the Military tribunals after October 1956.

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- k. Major Maciejewski (fnu) was an investigating officer at the central military directorate up to 1952 or 1953.

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- l. Colonel Mioduski (fnu) was vice-president of the Supreme Military Court.

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- m. Colonel Mitek (fnu) became president of the Supreme Military Court in 1956.

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- n. Lt. -Colonel Tadeusz Nizielski was appointed a judge of the Supreme Military Court in 1958.

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- o. Lt. -Colonel Orlinski (former name Unterweiser) was appointed legal adviser to the command of the air force in 1958.

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- p. Colonel Siedlecki (fnu) was head of the special department of the Ministry of Public Security for investigation of senior officials.

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- q. General Swietlik (fnu) was deputy chief of the political directorate up to 1956,

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- r. Colonel Walag (fnu) was president of the garrison tribunal at Krakow.

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- s. Colonel Wasko (fnu)

- t. Colonel Winawer (fnu) was a vice-president of the <sup>S</sup>upreme Military Court and a member of the government-appointed legislative committee.

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- u. Lt. -Colonel Wizelberg (fnu) was a judge of the Supreme Military Court.

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- v. Major Zakrzewski (former name Czop) was deputy chief prosecutor of the air force.

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- w. General Zarakowski (fnu)

assistant director of the

legal department of the Polish customs authority.

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- x. General Zarzycki was appointed head of the political directorate of the Polish army in 1956.

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- y. Lt. -Colonel Zielinski (fnu) became chief prosecutor of the air force in early 1957.

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